IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 1190 of 2002 (S/B)

Date of decision : 15th September, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Irshad Hussain.

- Whether the order/judgment should be sent to the reporters for reporting? ( )

- Whether the reporters be allowed to see the judgment? (yes)

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1190 of 2002 (S/B)

Dharm Raj Verma,
S/o Mr. Dev Dhar Verma,
R/o Village Marui, Post Jakhini,
District Varanasi. …… Petitioner

Versus

State of Uttaranchal through the Secretary,
Ministry of Animal Husbandry & Fishery
& others. …….. Respondents

Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

1. Heard learned counsel holding brief of Mr. Sharad Sharma, learned counsel for the petitioner and Mr. N.C. Gupta, learned Standing Counsel for the State.

2. We do not think that this writ petition should be continued. The challenge in this writ petition is to the transfer order dated 31.07.2002. The petitioner was working in Dehradun right from 1998 and when he was transferred in the year 2002, he sought to quash the transfer order only on the ground that his wife is a heart patient and the place, where he was transferred, does not have the medical facilities. The stay order was passed on 5.09.2002, as a result of which, the petitioner has continued in Dehradun right from 1998 up to 2004, a manor protion of which year has also passed. Under these circumstances, the writ petition cannot continue. A request is made by the State for vacating the stay. If the stay is vacated, there will be no question for continuing with the writ petition at all. The reason given by the petitioner, also, does not appear to be such as would create a right in the petitioner to stay at Dehradun permanently.

3. Under these circumstances, we direct that the petitioner shall join at the transferred place immediately if that place is still vacant.

Otherwise, the Government will pass immediate orders within 7 days from today. Till such time, the petitioner shall remain in Dehradun. The petitioner, in the meantime, shall be entitled to make a representation to the Government asking for a specific place in view of the precarious health of his wife.

4. With these observations, the writ petition is disposed of. All the applications in this writ petition are also closed.

(Irshad Hussain, J.)
15.09.2004

(V.S. Sirpurkar, C.J.)
15.09.2004

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